

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

JANE DOE,

Jane Doe,

V.

RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA,

Defendant.

Case No. 3:23-cv-00018-RSB

DECLARATION

I, Dominik Asher Biemann, pursuant to 28 U.S.C. § 1746, hereby declare and state as follows:

1. I am over the age of eighteen, and I am competent to testify to the matters described in this Declaration. Unless otherwise indicated, I have personal knowledge of the facts and statements in this Declaration and am prepared to testify to them, among other things, at a hearing or trial related to this matter or the issues or facts discussed in this Declaration.
2. My legal name is Dominik Asher Biemann, but I go by the name of Asher Biemann.
3. I am a professor in the Department of Religious Studies at the University of Virginia (“UVA”). I have worked at UVA as a professor since 2003.
4. I am aware of the true identities of the Plaintiff, Jane Doe, and the former UVA professor referred to as John Roe in the above-styled lawsuit. I am generally aware that there was a Title IX investigation involving Jane Doe and John Roe that is the subject of the above-styled lawsuit.
5. In the fall of 2018, I met Jane Doe when she was enrolled in one of my classes.

6. Professor John Roe and I were co-instructors for a J-Term course that took place in Austria and Hungary in December 2018 and January 2019 (“J-Term Course”). John Roe and I had taught this course together on several prior occasions, including one time during the summer.

7. In December 2018, I was aware of and familiar with UVA’s Title IX policy. I received training on UVA’s Title IX policy prior to departing for all the study-abroad courses I taught.

8. Jane Doe applied for and was selected to participate in the J-Term Course.

9. On December 27, 2018, the night before the J-Term Course began, Jane Doe, John Roe, my then-girlfriend and now wife, and I met for dinner at a vegetarian restaurant in Vienna, Austria. John Roe and I used this dinner to discuss the details of the upcoming course. Jane Doe had arrived at the hotel where we would be staying before the J-Term Course was set to begin. To my knowledge, no other students had arrived at this point.

10. During the J-Term Course, John Roe and I frequently shared meals with students. I considered it normal for Jane Doe to join this dinner so she could eat a meal because there were no other students for her to eat with.

11. Jane Doe and John Roe interacted normally during the dinner. There was nothing in the behavior of either of them that indicated any romantic or sexual relationship. During the dinner, I did not see John Roe touch Jane Doe in a sexual manner or kiss her. John Roe did not say anything sexually suggestive to Jane Doe.

12. During the J-Term Course, I never saw John Roe make any romantic advances towards Jane Doe. I never heard John Roe make any sexual comments to Jane Doe or about Jane Doe. I never observed John Roe touch Jane Doe in a sexual manner.

13. During the J-Term Course, I did learn that Jane Doe became physically ill. I checked on Jane Doe, told her to rest, and asked her if there was anything I could do. I observed that Jane Doe later recovered and felt better physically during the J-Term Course.

14. I did notice that Jane Doe spoke less and participated in class less during the J-Term Course compared to her classroom behavior during the Fall 2018 Semester. I thought that the explanation for Jane Doe's different behavior was due to her being abroad and having been sick. I told Jane Doe to let me know if she needed anything from me.

15. While on the J-Term Course, Jane Doe never told me that John Roe had made sexual advances towards her or that they had any sort of sexual contact. No one else told me that Jane Doe and John Roe had any sort of sexual contact during the J-Term Course.

16. January 11, 2019, was the last night of the J-Term Course. John Roe and I checked on students to make sure they were ready to depart the following day.

17. I do not remember any incident of John Roe "flirting" with Jane Doe or any other student on January 11, 2019. I believe I would remember such an incident if I had seen or heard it. I do not remember any incident of John Roe "flirting" with any other student during the J-Term Course.

18. In December 2018 and January 2019, I did not report any incidents from the J-Term Course to UVA's Title IX Coordinator. I was not aware of having witnessed or learned of any acts of sexual harassment or other conduct prohibited by the Title IX policy during the J-Term Course.

19. I was Jane Doe's advisor for her Religious Studies major.

20. In March 2019, I provided Jane Doe with a supportive letter of recommendation for her to participate in a study-abroad program at Oxford University.

21. Around 5:30PM on February 17, 2020, I met with Jane Doe in my office. She told me that she had been in a sexual relationship with John Roe since the J-Term Course. She told me that the relationship with John Roe had continued until a few days before when she and John Roe ended the relationship. I asked Jane Doe if her relationship with John Roe was consensual, and she told me that it was consensual.

22. What Jane Doe told me that day came as a complete surprise and shock. Before this conversation with Jane Doe on February 17, 2020, I had no prior knowledge of John Roe having a sexual relationship with Jane Doe since the J-Term Course, and I had not remotely suspected it.

23. On the occasions during which I could observe John Roe interacting with Jane Doe, nothing about those interactions led me to believe that John Roe was sexually harassing Jane Doe or engaging in any sort of sexual relationship with Jane Doe.

24. Before this conversation on February 17, 2020, I never heard any rumors or speculation among UVA faculty that there was a sexual or romantic relationship between John Roe and Jane Doe.

25. Jane Doe shared with me that after she and John Roe ended their relationship that she had been at UVA's hospital because of suicidal ideation. Jane Doe told me that she had shared information about her relationship with John Roe with a mental health professional. After our conversation was over, Jane Doe went to stay with her father in northern Virginia.

26. The next day, I reported what Jane Doe told me to the chair of John Roe's department, Jeffrey Grossman.

27. Jeffrey Grossman and I did not make an agreement to not report this matter to the Title IX office to protect John Roe. My decision to not report what Jane Doe told me to the Title IX office was not motivated by a desire to protect John Roe. To my understanding, a consensual

sexual relationship between two adults, even if involving an instructor and a student, did not violate UVA's Title IX policy.

28. On the morning of February 19, 2020, I met with and shared the same information with the head of UVA's International Studies Office, Dudley Doane. I thought Doane was an appropriate person to contact because the first incident between Jane Doe and John Roe occurred during the J-Term Course, which happened abroad. I also shared with Doane a memo I had prepared after meeting with Jane Doe on February 17, 2020.

29. While I was meeting with Doane, he contacted Laurie Casteen, the Associate Dean of Students. Doane and I told Casteen what Jane Doe had disclosed to me on February 17, 2020, that she had been involved in a consensual relationship with John Roe since the J-Term Course. I shared with Casteen that Jane Doe had told me that she had sought assistance regarding suicidal ideation.

30. I expressed to Casteen that I was concerned about Jane Doe's wellbeing. Casteen agreed that Jane Doe's wellbeing was the top priority, and she told me that she would contact Jane Doe to offer her support.

31. In reporting what Jane Doe told me to Jeffrey Grossman, Dudley Doane, and Laurie Casteen, I was not motivated by a desire to protect or help John Roe.

32. On March 11, 2020, UVA announced that it was moving all classes online in response to the COVID-19 pandemic. On March 17, 2020, UVA cancelled all events on Grounds regardless of size and mandated all faculty, with limited exceptions, to telecommute.

33. On March 16, 2020, Jane Doe told me that a Title IX process had begun, and asked if I could be a witness for her if needed. I told her that she had my support at any state in the Title IX process. I told her that I would be a witness if that is what she needed.

34. I was later contacted by UVA investigators who asked to interview me. I cooperated with the investigators and, during the interview, answered questions about the J-Term Course, Jane Doe, and John Roe.

35. In Spring 2020, Jane Doe was enrolled in two of my courses. I provided Jane Doe with reasonable extensions so she could complete her course work in Spring 2020. Jane Doe received As in my courses in Spring 2020.

36. John Roe and I did not teach the J-Term course in Austria and Hungary again. We were originally scheduled to teach it during J-Term 2021. At some point after Jane Doe telling me that the Title IX process had begun, John Roe contacted me to tell me he would not be involved in the J-Term 2021 course. UVA later cancelled the J-Term 2021 course because of the COVID-19 pandemic.

37. In February 2021, Jane Doe contacted me about providing her with a letter of recommendation. I was happy to provide Jane Doe with a supportive recommendation letter because she was an excellent student. On February 12, 2021, I provided Jane Doe with the recommendation letter.

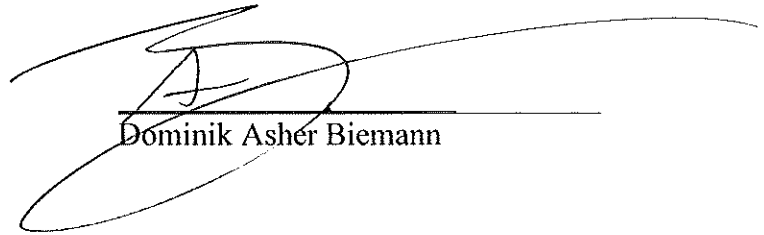
38. As far as I recall, Jane Doe never contacted me again about providing her with a letter of recommendation.

39. On July 2, 2021, Jane Doe emailed me about seeing me while she was in Charlottesville. I was not in Charlottesville at that time. On July 15, 2021, Jane Doe emailed me to say she was sad to not have seen me while she was in Charlottesville, and to express a hope to see me soon.

40. Also in July 2021, Jane Doe emailed me seeking advice about an upcoming trip to Europe. I responded and gave her some advice about things to do in Rome.

41. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9 / 23 /2024.



Dominik Asher Biemann